

January 13, 1976

letter rather than post card. Signed Senator Chambers.

SENATOR CHAMBERS: And I will explain very briefly the entire thing. It is not a complicated bill. There is a procedure whereby a default judgment can be taken against a person in court, which means, that in your absence, if you don't appear to protest or object to it, the other side will be given a judgment. There are times that a person may be unaware that a case is even pending, not having received notice in the first place, so what this bill does is to say that in the event a judgment is taken against a person in his or her absence, then that person must be notified by a letter that such a judgment has been taken. Then if he or she wants to take the statutory steps required to challenge that judgment that may be done. The only purpose of this bill and the amendment that I am offering is to require that notice, this notice that is to be sent, is sent by first class letter rather than post card, and that partly has to do with a person's privacy. Everybody in the post office and the postman need not know that that person has been involved in this legal situation so that is the amendment and that is the purpose of it.

PRESIDENT: Senator Murphy.

SENATOR MURPHY: A question, if I may, of Senator Chambers.

SENATOR CHAMBERS: Yes.

SENATOR MURPHY: Senator Chambers, does this bill now require personal service where it formally was served by mail?

SENATOR CHAMBERS: No, it requires a mailed notice but it is by first-class letter rather than a post card.

SENATOR MURPHY: I believe the mail, and I am actually not understanding, the mail notice that I think you are referring to was the three day mailing notice the court would give to the defendant in the event that he had... judgment had been entered in his absence.

SENATOR CHAMBERS: Right. This is notice after judgement.

SENATOR MURPHY: Yes, what about notice before judgment, the original service?

SENATOR CHAMBERS: That is not touched.

SENATOR MURPHY: That is as it was.

SENATOR CHAMBERS: Right, that remains the same.

SENATOR MURPHY: Thank you.

SENATOR CHAMBERS: Okay.

PRESIDENT: Senator Duis.